

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By \_\_\_\_\_

1 AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 237,  
2 Page 4, Section 538.210, Line 66, by inserting immediately after said line the following:

3  
4 "630.745. 1. If a duly authorized representative of the department finds upon inspection of  
5 a residential facility or day program that it is not in compliance with the provisions of sections  
6 630.705 to 630.760, and the standards established thereunder, the head of the facility or program  
7 shall be informed of the deficiencies in an exit interview conducted with him. A written report shall  
8 be prepared of any deficiency for which there has not been prompt remedial action, and a copy of  
9 such report and a written correction order shall be sent to [the head of] the facility or program [by  
10 certified mail, return receipt requested,] at the facility or program address within twenty working  
11 days after the inspection, stating separately each deficiency and the specific statute or regulation  
12 violated.

13 2. The head of the facility or program shall have twenty working days following receipt of  
14 the report and correction order to request any conference and to submit a plan of correction for the  
15 department's approval which contains specific dates for achieving compliance. Within ten working  
16 days after receiving a plan of correction, the department shall give its written approval or rejection  
17 of the plan.

18 3. A reinspection shall be conducted within [~~fifty-five~~] sixty days after the original  
19 inspection to determine if deficiencies are being corrected as required in the approved correction  
20 plan or any subsequent authorized modification. If the facility or program is not in substantial  
21 compliance and the head of the facility or program is not correcting the noncompliance in  
22 accordance with the time schedules in his approved plan of correction, the department shall issue a  
23 notice of noncompliance, which shall be sent by certified mail, return receipt requested, to the head  
24 of the facility or program.

25 4. The notice of noncompliance shall inform the head of the facility or program that the  
26 department may seek the imposition of any of the sanctions and remedies provided for in section  
27 630.755, or any other action authorized by law.

28 5. At any time after an inspection is conducted, the head of the facility or program may  
29 choose to enter into a consent agreement with the department to obtain a probationary license. The  
30 consent agreement shall include a provision that the head of the facility or program will voluntarily  
31 surrender the license if substantial compliance is not reached in accordance with the terms and  
32 deadlines established under the agreement. The agreement shall specify the stages, actions and time  
33 span to achieve substantial compliance.

34 6. If a notice of noncompliance has been issued, the head of the facility or program shall  
35 post a copy of the notice of noncompliance and a copy of the most recent inspection report in a  
36 conspicuous location in the facility or program, and the department shall send a copy of the notice

Action Taken \_\_\_\_\_ Date \_\_\_\_\_

1 of noncompliance to any concerned federal, state or local governmental agencies.

2 633.060. No individual receiving services from the division of developmental disabilities  
3 shall have limitations imposed on rights as established under section 630.110 without due process.  
4 Due process is the legal right to be informed, heard, and assisted through external advocacy. Due  
5 process shall include the right to be informed of actions the individual may take and a time line for  
6 restoration of rights."; and

7  
8 Further amend said bill by amending the title, enacting clause, and intersectional references  
9 accordingly.